

Appln. Ser. No. 09/634,552
Response dated Jul. 6, 2005
Response to Office action of Jun. 13, 2005

REMARKS

This paper is a timely response to an Office action Made Final, mailed June 13, 2005. In the Office action, the Examiner rejected claims 1-24, 32-43, 51-77, 85-90, 92-105, 112-123 and 164.

Claims 1-24, 32-43, 51-77, 85-90, 92-105, 112-123 and 164 are pending in the present application.

Applicants respectfully request that the attorney docket number be changed. Please replace "36601/CAG/B600" with -15258US02--.

Applicants respectfully submit that the Office action mailed June 13, 2005 should not have been made final. Applicants amended the independent claims by adding elements that were substantially recited in the pending dependent claims. For example, claim 1 was amended to include elements that were previously recited in dependent claims 8 and 9. By using elements that were already previously recited in the pending dependent claims, there was no need for the Examiner to conduct another search *if* the Examiner's arguments were correct as set forth in the Office action mailed November 26, 2004. After all, *if* the Examiner's arguments were correct as set forth in the Office action mailed November 26, 2004, then the Examiner would have found all of the elements in, for example, claims 8 and 9 in the references cited in the Office action mailed November 26, 2004. However, the Examiner did not find the elements that were previously recited in pending claims 8 and 9 in the Office action mailed November 26, 2004. That is the reason why, when Applicants added some previously recited elements of pending dependent claims 8 and 9 into independent claim 1, for example, the Examiner had to conduct another search. The fact that the Examiner had to conduct another search was not triggered by the amendment to an independent claim with previously recited elements from pending dependent claims. Instead, the additional search was triggered by the fact that the Examiner could not support a rejection of some of the elements that were recited in a previously pending claim. Accordingly, the Office action mailed June 13, 2005 should not have been made final. It is respectfully requested that any subsequent Office actions, if necessary, be made nonfinal.

In the various obviousness rejections under 35 U.S.C. § 103(a) as set forth in the Office action mailed June 13, 2005, the Examiner alleges that U.S. Patent No. 6,738,601 B1 ("the

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Rofougaran patent") is prior art. The Rofougaran patent is not prior art. In fact, the Rofougaran patent is a continuation case (i.e., the Rofougaran patent is a child case) of the present application. In particular, U.S. Patent Application Serial No. 09/691,630, filed October 18, 2000 (i.e., the patent application which is now the Rofougaran patent) is a continuation of U.S. Patent Application Serial No. 09/634,552, filed August 8, 2000 (i.e., the present application).

Since the Rofougaran patent is not prior art, the Rofougaran patent cannot be used in any of the obviousness rejections under 35 U.S.C. § 103(a), as set forth in the Office action. Since the Rofougaran patent was used in each of the obviousness rejections under 35 U.S.C. § 103(a) as set forth in the Office action, none of the obviousness rejections can be properly maintained. It is therefore respectfully requested that obviousness rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 1-24, 32-43, 51-77, 85-90, 92-105, 112-123 and 164.


Applicants respectfully submit that claims 1-24, 32-43, 51-77, 85-90, 92-105, 112-123 and 164 are in condition for allowance.

If Applicants can expedite the prosecution of this case which was filed on October 18, 2000 in any manner, then the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: July 6, 2005

Respectfully submitted,


Michael T. Cruz
Reg. No. 44,636

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8084
Facsimile: (312) 775-8100